

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

DEMOCRATIC SOCIALISTS OF
AMERICA, *et al.*,

Plaintiffs,

v.

TILMAN FERTITTA, *et al.*,

Defendants.

No. 1:24-CV-523-RP

**DEFENDANT PRESIDENT DAVIS'S NOTICE
REGARDING UT AUSTIN'S INTENT TO COMPLY WITH EXPUNCTION ORDERS**

Defendant James E. Davis, in his official capacity as Interim President of the University of Texas at Austin (“UT Austin”), hereby notifies the Court and Plaintiff that UT Austin has received Orders of Expunction (the “Orders”) from Travis County District Courts for six individuals who were arrested by the UT Austin Police Department in April 2024, in connection with pro-Palestinian protests. Two of the individuals were arrested on April 24, 2024. The other four individuals were arrested on April 29, 2024, in connection with a subsequent but related protest.

The Orders require the UT Austin Police Department and, in one case, the UT Austin Office of the Dean of Students, to destroy all records concerning the arrest of these individuals. UT Austin intends to comply by destroying all records covered by the Orders. *See Wallace v. Powell*, Civ. A. No. 3:09-CV-0286, 2009 WL 10671465, at *2 (M.D. Pa. July 2, 2009) (denying motion requesting district court order preservation of documents subject to an expunction order from Pennsylvania Supreme Court); *Ann L. v. X Corporation*, 133 F.R.D 433, 438 (W.D.N.Y. 1990) (granting order of suppression

and precluding discovery of documents ordered expunged pursuant to New York state law).

Because the records at issue may contain information that could be relevant to this case, President Davis provides pre-compliance notice of UT Austin's intent to comply with the Orders of Expunction to provide Plaintiff an opportunity to take action in response to this Notice prior to the destruction of documents pursuant to the Orders. Accordingly, absent any motion or application by Plaintiff and subsequent order by this Court or a court of competent jurisdiction preventing or limiting UT Austin's compliance with the six Orders of Expunction, UT Austin intends to begin the process of destroying all covered records on or after May 5, 2025, which is 21 days from the date of this notice.

Dated: April 14, 2025
Austin, Texas

Respectfully submitted,

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Attorney General of Texas

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Chief, General Litigation Division

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/s/ Cole P. Wilson
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Counsel for Defendants

CERTIFICATE OF SERVICE

I certify that a copy of the document above was served on all counsel of record who have entered an appearance on April 14, 2025, using the Federal Court CM/ECF system.

/s/ Cole P. Wilson